IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1541 of 2005

Between:

1 P.V. Venkata Prasad, S/o Late Musalayya,
2 E. Satish Kumar, s/o Sri Raghavaiah,
3 E.Danayya, S/o Sri Chowdarayya,
4 Y. Srinivasa Rao, s/o Late Someswararao,
5 Y. Vittal Prasad, S/o Poornachandrarao,
All the Petitioners are residents of Cherukumilli Village,

Kruithivennu Mandal, Krishna District.

... PETITIONERS

AND

1 Government of Andhra Pradesh, Department of Irrigation & CAD

Department, Rep. by its Executive Engineer, Krishna Eastern

Division, PWD Compound, Governorpet, Vijayawada-520 002.
2 The Assistant Engineer, Kruthivennu Section, Malleswaram,
Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring inaction of the respondents herein in implementing strictly the rules regulating the Paddy crop in Robby season in Kruthivennu division of Krishna District as arbitrary illegal and capricious and violative of fundamental rights guaranteed under Art 14 and 21 of the Constitution of India and consequently direct the respondents herein to take further action against the violators in Kruthivennu Division and pass such other orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

O R D E R:

The petitioners are the farmers of Cherukumilli village of Kruthivennu Mandal, Krishna District. They are the ayacutdars under the Prakasam Barrage. They state that in obedience to the orders passed by the Government in the Irrigation Department, they did not raise any wet crops and have raised dry crops, such as groundnut. Petitioners complain that in violation of the orders passed by the Government, certain farmers in the neighbourhood have raised wet crops and on account of percolation from the fields, the dry crops raised by the petitioners are getting damaged. They allege that when they got issued a notice to the second respondent, a reply was given with evasive answers, and seek appropriate directions.

Heard learned counsel for the petitioners and the learned Government Pleader for Irrigation.

The grievance of the petitioners is that certain farmers in the locality have raised wet crops, in violation of the orders passed by the Government, prohibiting cultivation of wet crops in the ayacut. In the notice said to have been issued on behalf of the petitioners, general and vague allegations were made. No specific instances with reference to the name of the farmers or the survey number of the land, where the wet crops are said to have been raised, are furnished. The second respondent categorically stated that complete vigilance is being maintained and in case any instances are brought to their notice, they would take immediate action.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, leaving it open to the petitioners to furnish the particulars of the names of the farmers, as well as the description of the fields, where the wet crops are raised during this season, to the second respondent, and as and when such information is furnished, the second respondent shall take immediate action in accordance with law. There shall be no order as to costs.

8th February, 2005

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To

1 The Executive Engineer, Department of Irrigation &

CAD Department, Government of Andhra Pradesh,

Krishna Eastern Division, PWD Compound, Governorpet,

Vijayawada-520 002.

2 The Assistant Engineer, Kruthivennu Section, Malleswaram,
Krishna District.

3 Two C.Cs. to the Government Pleader for Irrigation,

High Court buildings, Hyderabad (OUT)

4 Two C.D.copies